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10/619,327	07/14/2003	Robert Victor Holland	72191	6666
27975 7590 11/13/2009 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791				
EXAMINER				
SMITH, MARCUS				
ART UNIT		PAPER NUMBER		
2467				
NOTIFICATION DATE		DELIVERY MODE		
11/13/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

Office Action Summary

Application No.

10/619,327

Applicant(s)

HOLLAND ET AL.

Examiner

MARCUS R. SMITH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/03/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the pre appeal brief filed on 8/10/09, PROSECUTION IS
HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of
the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a
reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31
followed by an appeal brief under 37 CFR 41.37. The previously paid notice of
appeal fee and appeal brief fee can be applied to the new appeal. If, however,
the appeal fees set forth in 37 CFR 41.20 have been increased since they were
previously paid, then appellant must pay the difference between the increased
fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening
prosecution by signing below:

/Pankaj Kumar/

Supervisory Patent Examiner, Art Unit 2467.

Claim Objections

2. Claims 1, 5, and 8 are objected to because of the following informalities:
the examiner recommends that the applicant re-write the added limitation due to
a series of double negatives. Appropriate correction is required.

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3. Claims 3, 6, and 9 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 3, 6, 9 are objected to because of the following informalities: the claims address the same subject matter as the added limitation of independent claims. The examiner is unclear if the third nodes are different from other nodes, such both the third nodes and other nodes ignore said query message, when the node is not coupled to the called device. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. Claims 1-3, 5-6, 8-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 1, 5, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: Before a node ignores the query message or response to query message, the node must examine its local accounts for the identified extension (see pages 7-8, paragraph 00015 of the specification). Therefore the examiner rejects all the dependents claims of claims 1, 5, and 8 for same reasons listed above.

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6. Claim 1 recites the limitation "as a queried target" in lines 18-19, and 23-

24. There is insufficient antecedent basis for this limitation in the claim. The examiner is unclear if there are two queried target in this system and can not determine "the queried target" in lines 24-25 is based of the queried target in lines 18-19 or lines 23-24.

7. Claim 5 recites the limitation "as a queried target" in lines 25, and 29-30.

There is insufficient antecedent basis for this limitation in the claim. The examiner is unclear if there are two queried target in this system and can not determine "the queried target" in lines 30-31 is based of the queried target in lines 25 or lines 29-30.

8. Claim 8 recites the limitation "as a queried target" in lines 29, and 37-38.

There is insufficient antecedent basis for this limitation in the claim. The examiner is unclear if there are two queried target in this system and can not determine "the queried target" in lines 38-39 is based of the queried target in lines 29 or lines 37-38.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3, 5-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasamoto (US 6,647,264) in view of Moriyama (US 6,741,696) and Mead et al. (US 6,680,942).

With regard to claim 1, Sasamoto teaches:

For use with a limited access multinode cooperative telecommunication network (see figure 1), wherein a respective node (gateway, and mobile routers) comprises operative to service multiple telecommunication devices coupled to said respective node (column 3, lines 44-55), each communication device having an extension that is used in the course of routing a call from a calling communication device to a called communication device (column 4, lines 1-16: The examiner views the address of the mobile node as the extension), a method of routing a call from a calling communication device at a first node to a called device at another node comprising the steps of (figures 5a (describes the steps) and 7c (shows the process through the network)):

(a) transmitting a query message from said first node (gateway, 114) to all other nodes (routers, 111, 112, and 113) of said network, said query message being operative to determine whether a respective node receiving said query message is coupled to said called device as a queried target (mobile, 130) (step s504) (column 5, lines 15-22 and column 6, lines 55-57);

(b) at a second node (router 112) to which said called device is coupled, transmitting a reply message to said first node indicating that said second node is coupled to said called device (steps 505) (column 5, lines 22-26 and column 6, lines 57-61), such that other nodes (routers 111, 113) do not transmit a reply

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message indicative that the respective node not replying does not have the queried target for location or routing (In figure 6 teaches how the routers, which do not have mobile device, will not send a reply message to gateway (first node) by bypassing the steps 607-609, after step 605. Column 6, lines 1-7 and 55-65); and

(c) in response to receipt of said reply message by said first node, routing said call from said first node to said second node, so that said second node may complete the connection of said call to said called device (step 506) (column 5, lines 28-35 and column 6, lines 63-66) without requiring a copy of dialing plans for all other nodes.

Sasamoto discloses all of the subject matter as described above except for wherein each node comprises a private branch exchange and each having a separate dialing plan and operative to service multiple telecommunication devices coupled to said respective node through the respective separate dialing plan for a node, each communication device having an extension within a respective dialing plan for a node that is used in the course of routing a call from a calling communication device to a called communication device.

Moriyama teaches PBX that can communicate with other PBXs to exchange information (column 5, lines 50-67 to column 6, lines 1-10, see figure 4) for controlling communication lines in order to a more efficient call distributing system (column 2, lines 20-26). Each PBX has a separated database that stores the extension line group (dialing plan)(column 4, lines 10-30). This PBX each have separated databases for extension group and exchange control information

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from each PBX (column 5, lines 8-26) in order to reduce traffic flow for each PBX (column 6, lines 20-30)

Sasamoto is another form of call distributing system, the gateways and routers exchange information about the location of mobile device in the system. Each router or gateway has a routing table for routing the call to its mobile device. Therefore it would have been obvious to one having ordinary skill in the art at the time invention was made have each node be a private branch exchange and each having a separate dialing plan and operative to service multiple telecommunication devices coupled to said respective node through the respective separate dialing plan for a node as taught by Moriyama in the call distributing system of Sasamoto in order to have a more efficient call distributing system and reduce traffic load on each node.

The combination of Sasamoto and Moriyama will have the routing table stores also the extension for the mobile node as well as its IP address. The mobile node's extension can be its telephone number. In Sasamoto, the gateway only updates its routing table from the information on the replied router connected to called device. Thus the Sasamoto does not require a copy of dialing plans *for all* other nodes.

The combination of Sasamoto, and Moriyama discloses all of the subject matter as described above except for such that other nodes (routers 111, 113) not having the called device coupled thereto ignore the query message.

Mead's background of invention teaches a system of routers, which have their own directory databases, will have a problem of wasting considerable

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network bandwidth by broadcast signals looking for the same end station (column 2, lines 1-7). Since Sasamoto teaches each router broadcasting a page signal if the device is not its routing table (step 604 of figure 6), then its system will also waste considerable network bandwidth as well. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to skip broadcasting page signal step of Sasamoto, since it was known in the art that it would avoid using too much network bandwidth. By deleting the broadcasting step of Sasamoto, the examiner views routers that do not reply to the search request from the gateway when the mobile device it is not its routing table as ignoring the message.

With regard to claim 5, Sasamoto teaches (see claim 1, except for): (a) in response to the placement of a call from a communication device coupled to a first node (gateway114) (step 501), causing said first node to examine an associated call plan (routing table) therefor to determine whether said first node is coupled to said called device (step 502) (column 5, lines 15-22 and column 6, lines 55-57).

With regard to claim 8, Sasamoto teaches (See claim 1, except for): (a) storing at each node a call plan that contains only communication device extensions that are coupled to said each node (step 404, column 4, lines 59-64: The combination Sasamoto, and Moriyama will have the routing table stores also the extension for the mobile node as well as its IP address); (b) in response to the placement of a call from a communication device coupled to a first node, causing said first node to examine an associated call plan only therefor, so as to

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determine whether said first node is coupled to said called device (steps 501-502)(column 5, lines 15-22 and column 6, lines 55-57).

With regard to claim 2, Sasamoto teaches (figure 5a): wherein step (a) includes the precursor step of causing said first node to examine an associated call plan therefor to determine whether said first node is coupled to said called device (step 502)(column 5, lines 15-22 and column 6, lines 55-57).

With regard to claims 3, 6, and 9, wherein step (b) comprises at one or more third nodes (the examiner views the third nodes as the other nodes described in claim 1 as other nodes) to which said called device is not coupled, ignoring said query message, so that no reply message is transmitted therefrom. (see claim 1 for explanation on how the combination teaching of Sasamoto, Moriyama, and Mead background of the invention will teach a ignore said query message step).

Response to Arguments

11. Applicant's arguments with respect to claims 1-3, 5-6, 8-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS R. SMITH whose telephone number is (571)270-1096. The examiner can normally be reached on Mon-Thurs: 7:30 am - 5:00 p.m. and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRS 11/08/09
/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 2467